

WILLIAMSBURG PLANNING COMMISSION MINUTES

Wednesday, January 17, 2007

The regular monthly meeting of the Williamsburg Planning Commission was held on Wednesday, January 17, 2007, at 3:30 p.m. in the Council Chambers at the Stryker Building, 412 North Boundary Street.

ATTENDANCE, CALL TO ORDER and ELECTION OF 2007 OFFICERS

Present were Commissioners Young, Pons, Kafes, Hertzler, McBeth, Driscoll and Joseph. Staff members present were Planning Director Nester, Deputy Planning Director Murphy, Zoning Administrator Rhodes, City Attorney Phillips and Secretary Scott.

City Attorney Phillips called the meeting to order and opened the floor for nominations for the 2007 Chairman.

Mr. Kafes moved and Mr. Young seconded the nomination for Douglas Pons for chairman for 2007. Nominations were closed by acclamation. Chairman Pons accepted the gavel from Mr. Phillips.

Mr. Kafes nominated Joe Hertzler for 1st Vice Chairman. Mr. Young seconded the nomination. Nominations were closed by acclamation.

Mr. Kafes nominated Elaine McBeth for 2nd Vice Chairman and Mr. Hertzler seconded the nomination. Nominations were closed by acclamation.

Mr. Joseph nominated Ms. Scott for Secretary, Mr. Hertzler seconded the nomination. Nominations were closed by acclamation.

Roll was called on all four of the acclamations.

Recorded vote on the four acclamations:

Aye: Pons, Hertzler, Kafes, Joseph, McBeth, Young, Driscoll

Nay: None

Absent: None

Mr. Kafes said although not on the agenda, he would like to introduce a motion to thank Mr. Young for his service as Commission Chairman, 2004 through 2006. Mr. Kafes said Mr. Young has given a great deal of time in service to the City, and thanked him for his patience dealing with not only newly-appointed Commission members, but also with many others.

Mr. Pons noted that during Mr. Young's tenure as Chairman he also served on many committees throughout the City, as well as presiding over numerous Commission work sessions for the Comprehensive Plan. Commission members expressed their gratitude

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for Mr. Young's service to the City of Williamsburg and for his continued service on the Planning Commission. Mrs. McBeth seconded the motion which carried unanimously by roll call vote.

Recorded vote on the motion:

Aye: Pons, Hertzler, Kafes, Joseph, McBeth, Driscoll

Nay: None

Absent: None

Mr. Young said it has been his pleasure.

Chairman Pons moved *Appointment to Planning Commission Committees* up on the agenda. He said that after checking with the appropriate Commissioner, the assignments will be as follows for 2007:

Architectural Review Board	Mr. Hertzler
Site Plan Review Committee	Mrs. McBeth Mr. Kafes Mr. Driscoll
Beautification Advisory Committee	Mr. Joseph
Regional Issues Committee	Mr. Young

MINUTES

Mr. Hertzler moved that the minutes of the December 20, 2006 regular meeting be approved. Mr. Kafes seconded the motion which carried by roll call vote of 7-0.

Recorded vote on the motion:

Aye: Pons, Hertzler, Kafes, Joseph, McBeth, Young, Driscoll

Nay: None

Absent: None

CONSENT AGENDA

There were no cases on the consent agenda this month.

PUBLIC HEARINGS

CIP: Five-Year Capital Improvement Program (FY08 to FY12). Citizens are requested to present items for inclusion in the Capital Improvement Program.

Mr. Nester stated that included in their meeting packets, Commissioners have a report on the status of this year's CIP. He noted that a copy of the FY07-FY11 Capital Improvement Program was provided to Commission members last week. He said Planning Commission input to the City Manager is due by February 16, 2007. He suggested the Commission work session be scheduled for Wednesday, February 7, 4:00 p.m. when proposed projects for inclusion in the FY08-FY12 Capital Improvement Program will be presented. City Manager Tuttle will be in attendance.

Chairman Pons opened the public hearing.

There being no comment the public hearing was closed.

Chairman Pons stated **PCR #06-036, PCR #06-037 and PCR #06-038** will be discussed and voted on simultaneously.

PCR #06-036: Revision of the Zoning Ordinance, Article VII, Site Plans, by revising site plan administration procedures to allow the Zoning Administrator, to approve certain site plans. The Commission recommended approval by a vote of 7-0.

PCR #06-037: Revision of the Subdivision Ordinance to create an approval procedure for minor subdivision plats and boundary line adjustments and to revise the procedure for approving development plans. The Commission recommended approval by a vote of 7-0.

PCR #06-038: Revision of the Zoning Ordinance to allow "Playgrounds, parks and athletic fields owned and/or operated by the City of Williamsburg" as a permitted use in all zoning districts, and to allow "Public buildings owned and/or operated by the City of Williamsburg" as a special use permit use in all residential zoning districts, and as a permitted use in all non-residential zoning districts. The Commission recommended approval by a vote of 7-0.

Mr. Nester presented the changes proposed in each revision:

- **PCR #06-036:** This is a proposal to make the site plan review process more efficient by assigning to the Zoning Administrator not only the review of minor site plans, but also site plans not requiring a special use permit, with advice from the Site Plan Review Committee. Site plans requiring a special use permit will continue to be reviewed by Planning Commission and City Council as part of the special use permit process. When a special use permit has been approved by City Council with a preliminary site plan, the final site plan will be approved by the Zoning Administrator provided that it is in substantial accord with the preliminary site plan.

- **PCR #06-037:** This is a proposal to create a category for Minor Subdivision Plats which would allow the Planning Department to approve subdivisions of five or fewer lots. Also a category for Boundary Line Adjustments will be created allowing the Planning Department to approve existing lot division when applicable zoning requirements are met. This will codify what has been done administratively for the past 20 years. Mr. Nester said as with the changes to the site plan review process, these subdivision review changes would streamline the review process and allow for savings in staff time.
- **PCR #06-038:** This proposal is to make playgrounds, parks and athletic fields owned and/or operated by the City of Williamsburg a use permitted by right in all zoning districts and public buildings and facilities owned and/or operated by the City of Williamsburg a use permitted by right in all non-residential zoning districts. Public buildings would continue to require a special use permit in all residential districts.

Chairman Pons opened the public hearing for comments on any of the three proposals.

There being no comment the public hearing was closed.

Mr. Kafes said the proposals strike the proper balance of efficiency and oversight.

To Mr. Hertzler's question regarding the Site Plan Review Committee's new level of responsibility and if minutes will be taken at their meetings, City Attorney Phillips responded in the affirmative.

Mrs. McBeth moved that the Planning Commission recommend the three revisions be approved. Mr. Kafes seconded the motion which carried by roll call vote of 7-0.

Recorded vote on the motion:

Aye: Pons, Hertzler, Kafes, Joseph, McBeth, Young, Driscoll

Nay: None

Absent: None

PCR #06-048: Request of Living Proof Baptist Church for a special use permit to locate a church at 309 Waltz Farm Drive, on property zoned RS-2 Single Family Dwelling District. The Commission recommended approval with conditions by a vote of 7-0.

Deputy Planning Director Murphy noted the property has operated with a special use permit since 1992 and the proposed church would be an appropriate use of the site. She said the Planning Department has received two letters from residents in adjacent neighborhoods; one in opposition to the continued use of the property for five years by a church because of the noise level. In the second letter, the writers offered their wholehearted support for the request.

Mrs. Murphy said major changes made previously to the property have been moving the entrance into the property to the east side of Waltz Farm Drive and connecting the building to public water and sewer. The applicant has agreed to clean and paint the exterior of the building as well as the light poles in the parking lot. The dumpster which had previously been adjacent to residential neighbors has been relocated away from neighboring homes and will be screened with a wooden dumpster enclosure. Representatives from the church were present to respond to any questions.

Mr. Kafes stated that one of the two letters states the noise from the church currently occupying the building is "unbelievable". He asked if there have been any complaints filed about the noise level. Mrs. Murphy responded no complaints have been received. Mr. Young asked when the Piney Creek subdivision was begun and Mr. Nester said it was the late 1980's; Jamestown Academy opened about 1966. Mr. Joseph stated some residents of the adjacent Skipwith Farms community have expressed concern over increased traffic in their subdivision. He suggested the church encourage their members to use the Waltz Farm Drive entrance rather than taking a short-cut through the Skipwith Farms subdivision.

Chairman Pons opened the public hearing.

Delbert Curtis, 204 Pheasants Spring Road, who serves as a deacon at the Living Proof Baptist Church, said they are aware of the concerns expressed by adjacent property owners and the traffic concern has now been resolved. Regarding the noise concern, it's been made clear to the congregation that they are not to stop and talk in the parking lot and the young people in the church are to play in the designated playground, not the parking lot.

Jack Keating, 405 Ironwood Drive, Piney Creek, said his main concern is the food bank that was held in the previous church. He said on Mondays and Fridays, when the food bank is open, considerable traffic is generated by the activity. He asked if the food bank will continue at the Living Proof Baptist Church and is it a part of the special use permit. He added that noise is a concern, but not a major one.

Claudia Lawson, who moved to Piney Creek in August, 2006, stated the previous church had been a good neighbor, but she's glad to hear Living Proof will be cleaning and painting the building. She expressed concern about the rust and mold in the building and safety of the church members in that environment. She also asked about the drainage system since stormwater drains onto her lot killing the trees.

Delbert Curtis responded to Mrs. Lawson's concerns. He said the owners of the property have given them certain authority to do repairs to the building and grounds, and her concerns will be addressed. Regarding the drainage issue, they have found three disconnected downspouts which will be taken care of. Mrs. Lawson asked if she can be in on the drainage issue repairs. Mr. Curtis said the church will work with the neighboring property owners.

Mr. Kafes moved that Planning Commission recommend that the special use permit for Living Proof Baptist Church be approved contingent upon the following:

1. The approval would be for five years, expiring on February 29, 2012.
2. The building and light poles in the parking lot are to be cleaned and painted by May 1, 2007.
3. The relocated dumpster will be concealed with a wooden enclosure by May 1, 2007.
4. Stormwater runoff and drainage to be resolved to the satisfaction of the City's Zoning Administrator.

Mrs. McBeth seconded the motion which carried by roll call vote of 7-0.

Recorded vote on the motion:

Aye: Pons, Hertzler, Kafes, Joseph, McBeth, Young, Driscoll
Nay: None
Absent: None

Mr. Pons asked staff about the stormwater issues and Mrs. Murphy said this is the first she's heard of a problem, but will be happy to look into it. She also clarified that there will be no certificate of occupancy required for the church since there is no change in usage. In response to Mrs. McBeth's question about the food bank issue, Mr. Nester stated there are many community functions that are conducted in a church facility; these functions are generally considered a part of the church. However, if a religious school were proposed, this would require a separate special use permit.

Mr. Hertzler pointed out that the mold present in the building is a function of age and neglect and through this special use permit process he hopes it will be spruced up. City Attorney noted that the Building Official will have jurisdiction to follow-up on this issue under the Uniform State Building Code. Mr. Hertzler asked what will be done to prohibit unauthorized use of the property, e.g., skateboarding and playing on the flat roof of the building. Mrs. Murphy said she has spoken with the pastor and he has talked with the Williamsburg Police Department. The church will be putting up a "No Trespassing" sign and police will be enforcing the restriction.

Deacon Curtis stated that the church favors the continuation of the food bank, *Food for Ben*, as one of their outreach ministries and will ensure proper respect is shown for the church as well neighboring property.

PCR #07-001: Request of G-Square Inc. to amend the Zoning Ordinance to add "radio and television broadcasting stations, studios and offices but excluding onsite towers" as a special use permit use in the Limited Business/Residential District LBR. The Commission recommended approval of the amendment by a vote of 7-0.

PCR #07-002: Request of G-Square Inc. for a special use permit to allow a radio broadcasting station at 1005 Richmond Road, on property zoned LBR Limited Business/Residential District. The Commission recommended approval with conditions of the special use permit by a vote of 7-0.

Mrs. Murphy said the applicant proposes to use an office suite on the second floor of the existing office building for the broadcast studio. The only exterior change will be the addition of two small antennas on the roof of the building, each approximately 26 inches by 4 inches. In this district a satellite dish of one meter (39.37 inches) is allowed by right. Radio and television antennae are allowed by right for home use. Since the two proposed antennas are smaller than the allowed satellite dish and are attached to the main building similar to a one used for home use staff recommends approval. She noted the Site Plan Review Committee has reviewed this request and recommends approval. Applicant Greg Granger is present for questions.

Chairman Pons opened the public hearing on both the above-noted requests.

Frank White, 110 Shirley Avenue, said he lives behind the property and that Mr. Granger came to him with the proposal and asked for his approval. After ascertaining there will be no interference in his services and that there are no capital improvements planned on the property, Mr. White said he has no problem with the approval of the special use permit.

There being no other comment the public hearing was closed.

Mr. Kafes asked about a time restriction being placed on the special use permit to allow for review in the case of electronic changes in the future that may cause interference. City Attorney Phillips said the primary regulator is the Federal Communications Commission and they have strict guidelines that must be followed. Mrs. McBeth noted during the Site Plan Review Committee's review, they were assured there would be no interference. Because landscaping won't do an adequate job of screening, the Architectural Review Board will need to review the generator enclosure that will encase the sound box.

Mr. Young moved Planning Commission recommend that the LBR District amendment be approved. Mr. Hertzler seconded the motion which carried by roll call vote of 7-0.

Recorded vote on the motion:

Aye: Pons, Hertzler, Kafes, Joseph, McBeth, Young, Driscoll
Nay: None
Absent: None

Mr. Young moved Planning Commission recommend that the special use permit be approved for 1005 Richmond Road for a radio broadcasting studio, with the following conditions:

1. No satellite dishes or towers are allowed for the broadcast studio.
2. Two 26-inch antennas installed on the roof of the building as shown on the sketch submitted with this request dated November 22, 2006.
3. The special use permit is approved for G-Square, Inc. only.

Mr. Joseph seconded the motion which carried by roll call vote of 7-0.

Recorded vote on the motion:

Aye: Pons, Hertzler, Kafes, Joseph, McBeth, Young, Driscoll

Nay: None

Absent: None

OPEN FORUM

Chairman Young opened the Open Forum portion of the meeting encouraging comments from the audience on any topic.

Jim Kammert, 108 Richmond Hill Court, distributed to Commission members copies of his comments from the December 20, 2006 Planning Commission meeting, the January 8, 2007 City Council work session and today's Planning Commission meeting. He noted the *Stop22* petition drive collected over 500 signatures and during the drive, many unsolicited comments were received. He said the aim of the remarks has been to improve the apparent breakdown in communications among members of the Planning Commission, City Council and citizens. Mr. Kammert noted that in reading minutes from the Commission and Council meetings from the last few years, some citizen comments were not recorded in full. He also expressed concern with inadequate notice given to maximize citizen participation and incomplete information advertised, e.g. maps of all areas under discussion.

Ann Ward Little, 101 Pipe Kiln Court, said she has lived here a long time and asks that the beauty of our area be maintained --- our City is an absolute jewel.

There being no further comment from the audience the Open Forum was closed.

SITE PLANS AND SUBDIVISIONS -- None

OLD BUSINESS -- None

NEW BUSINESS -- None

OTHER

2006 Comprehensive Plan

Mr. Nester announced that the 2006 Comprehensive Plan has been published and is posted on the City's website. Copies are available at the Williamsburg Regional Library and for sale at the Planning Department.

Work Session

Commission members were reminded of the work session scheduled for January 24 at 4:00 p.m. in the Municipal Building conference room. Under discussion will be 2006 Comprehensive Plan Implementation – Center City North.

Citizen Involvement

Mr. Driscoll suggested to Mr. Kammert that members of the *Stop22* group, and any other group, be encouraged to talk with the City planning staff; they are open and easy to work with. He said he doesn't understand people not understanding what's going on. *Stop22* members, or any other group, should be encouraged to get involved with something like the Land Conservancy group or another option would be for a group to raise funds to buy green space. There are some things that can be done, but ultimately, the only way to guarantee green space is to be prepared in advance and have the funds available to purchase property when it becomes available.

Mr. Kammert clarified that the *Stop22* group is not against growth; they have no problem with a density of eight.

Mr. Driscoll said the important thing is that whatever is there is a good-looking building, works well on the site and blends in well with other buildings in the area.

INFORMATION ITEMS

- Report from City Council
- Planning Department Monthly Report
- Monthly Financial Statement
- 2006 Annual Reports for Planning Commission, Architectural Review Board and Board of Zoning Appeals

There being no further business the meeting adjourned at 4:50 p.m.

Douglas Pons, Chairman
Williamsburg Planning Commission

PUBLIC HEARINGS SCHEDULED FOR FEBRUARY 14, 2007

PCR #06-021: Request of Motel Rochambeau, Inc., 929 Capitol Landing Road, for a special use permit to lease rooms to exchange visitors. This property is zoned B-2 Corridor Business District, and is identified as Williamsburg Tax Map #408-08-00-A. ***Note: This is contingent upon additional information being submitted that meets the new application requirements.***

PCR #07-004: Amendment of the Zoning Ordinance by revising the General Business District B-3 to allow "Rooming facilities for exchange visitors" with a special use permit (Sec. 21-354(17.02)).

PCR #07-005: Amendment of the Zoning Ordinance by revising the Museum Support District MS to allow "Rooming facilities for exchange visitors" with a special use permit (Sec. 21-434(5.1)).

PCR #07-006: Consideration of whether or not the Zoning regulations for "Rooming facilities for exchange visitors" (Sec. 21-681) should be revised to establish a limitation on the number of hotels or motels on individual streets that can be leased to exchange visitors.

PCR #07-007: Rezoning of portions of the public right-of-way at the intersection of Capitol Landing Road and Merrimac Trail from Corridor Business District B-2 to Single Family Dwelling District RS-1, Multifamily Dwelling District RM-2, Planned Development Residential PDR and Limited Business Corridor District LB-4. This area is designated by the 2006 Comprehensive Plan as Medium Density Single Family Detached Residential, Sensitive Environmental Area & Chesapeake Bay Preservation Area, Corridor Commercial, and Office land use. These adjustments will not change the zoning of any individual lots in this area.